

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
VERIZON HAWAII INC.)
For Arbitration of an Amendment)
To Interconnection Agreements)
With Competitive Local Exchange)
Carriers and Commercial Mobile)
Radio Service Providers in)
Hawaii Pursuant to Section 252)
Of the Communications Act of)
1934, as Amended, and the)
Triennial Review Order.)
_____)

DOCKET NO. 04-0040

ORDER NO. 20846

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Filed March 12, 2004
At 3:30 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	
VERIZON HAWAII INC.)	Docket No. 04-0040
For Arbitration of an Amendment)	
To Interconnection Agreements)	Order No. 20846
With Competitive Local Exchange)	
Carriers and Commercial Mobile)	
Radio Service Providers in)	
Hawaii Pursuant to Section 252)	
Of the Communications Act of)	
1934, as Amended, and the)	
<u>Triennial Review Order.</u>)	

ORDER

I.

Verizon Hawaii Inc.'s filings

Verizon Hawaii Inc. ("Verizon Hawaii") filed a petition requesting that the commission initiate a consolidated arbitration proceeding to amend the interconnection agreements between Verizon Hawaii and each of the competitive local exchange carriers ("CLECs") and, to the extent that their current interconnection agreements provide for access to unbundled network elements, each of the commercial mobile radio service ("CMRS") providers in Hawaii to implement the changes regarding Verizon Hawaii's unbundling obligations under the Federal Communications Commission's *Triennial Review Order* ("TRO").¹ The petition was filed on February 20, 2004.

¹In *Re Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, and

Verizon Hawaii filed a letter on March 11, 2004 acknowledging the D.C. Circuit Court of Appeals' March 2, 2004 order ("D.C. Circuit Court Order") vacating certain provisions of the TRO and to inform us that it is reviewing the D.C. Circuit Court Order and may file modifications to its petition to amend the interconnection agreements with the CLECs and CMRS providers. Verizon Hawaii proposes to file any such modifications by Friday, March 19, 2004. It further proposes that the commission allow the CLECs and CMRS providers to respond to Verizon Hawaii's petition: (1) within twenty-five (25) days after Verizon Hawaii files any modifications to its petition; or (2) March 19, 2004, if Verizon Hawaii files no modifications.

II.

Discussions

Under Hawaii Administrative Rules ("HAR") § 6-80-53(b), a non-petitioning party to a negotiation for arbitration may file a response to a petition for arbitration with the commission within twenty-five (25) days following the filing of the petition. The 25th day for a non-petitioning party to file its response in this matter is March 16, 2004.

It is understandable that Verizon Hawaii is considering possible modifications to its filed arbitration petition due to the filing of the D.C. Circuit Court Order, and its proposal to

Deployment of Wireline Services Offering Advanced Telecommunications Capability; CC Docket Nos. 01-338, 96-98, and 98-147; Report and Order and Order on Remand and Further Notice of Proposed Rulemaking; FCC No. 03-36; Adopted February 20, 2003; Released August 21, 2003.

file any such modifications by March 19, 2004 appears to be reasonable. Thus, Verizon Hawaii's request to allow non-petitioning parties additional time to file their responses to Verizon Hawaii's petition also appears to be reasonable. However, while we believe that allowing the non-petitioning parties to respond to Verizon Hawaii's petition within twenty-five (25) days after Verizon Hawaii files its proposed modification is reasonable, in this case, we believe it unreasonable to only extend the deadline for the non-petitioning parties to file responses to the petition to March 19, 2004 if Verizon Hawaii decides not to file any modifications. Under Verizon Hawaii's proposal, CLECs and CMRS providers involved in this matter will not have notice of whether or not Verizon Hawaii files modifications to the petition until March 19, 2004, but their responses would be due on that date.

Based on the above, the commission finds it reasonable to: (1) allow Verizon Hawaii to file modifications to its petition, if any, by March 19, 2004; and (2) pursuant to HAR §§ 6-61-23 and 6-80-3, allow the non-petitioning parties to file responses to Verizon Hawaii's petition within twenty-five (25) days after Verizon Hawaii files any modifications to its petition (or by April 13, 2004); however, if Verizon Hawaii opts to not file modifications on March 19, 2004, the non-petitioning parties may file their responses to Verizon Hawaii's petition by April 2, 2004.

III.

Orders

THE COMMISSION ORDERS:

1. Verizon Hawaii shall file modifications to its arbitration petition, if any, by March 19, 2004.

2. If Verizon Hawaii files any modifications to its arbitration petition, the non-petitioning parties may file responses to Verizon Hawaii's petition by April 13, 2004.

3. If Verizon Hawaii decides to not file any modifications to its arbitration petition, the non-petitioning parties may file responses to Verizon Hawaii's petition by April 2, 2004.

DONE at Honolulu, Hawaii this 12th day of March, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Ji Sook Kim
Ji Sook Kim
Commission Counsel
04-0040.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20846 upon the following Petitioners, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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